

***New Boards Created by the Legislature – 2006***

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## **SB1264: Arizona Department of Homeland Security**

Summary: SB 1264 establishes the Arizona Department of Homeland Security and specifies the duties that will be carried out through the Director and Deputy Director.

### Provisions:

#### *Department of Homeland Security*

- Defines *department* as the Arizona Department of Homeland Security and *director* as the Director of the Arizona Department of Homeland Security.
- Establishes the Arizona Department of Homeland Security and stipulates that the direction, operation and control of the Department are the responsibility of the Director.
- Stipulates that the Director will be appointed by and serve at the pleasure of the Governor upon consent of the Senate and requires that the Director have a background or experience in public administration, disaster response, law enforcement, or business administration.
- Requires the Director to appoint a Deputy Director, and subject to Legislative appropriation, may appoint those Assistant Directors as the Director deems appropriate and exempts the Director and Deputy Director from the state merit system.
- Allows the Director to organize the Department into divisions the Director deems appropriate.
- Mandates that the Department do all of the following:
  - Formulate policies, plans and programs to enhance the ability of this state to prevent and respond to acts of terrorism and other critical hazards.
  - Develop a statewide homeland security strategy.
  - Request appropriations or grants of monies from the federal government for homeland security purposes.
  - Provide to the Arizona Department of Homeland Security Coordinating Council (Council) the list of appropriations or grants requested from the federal government for homeland security purposes.
  - Distribute monies to local jurisdictions and other organizations eligible under federal regulations based on criteria in the Statewide Homeland Security Strategy and Federal Grant guidelines.
  - Receive all monies appropriated or granted to this state by the federal government for homeland security and Department to provide the Council the list of appropriations or grants requested from the federal government.
  - Distribute monies to local jurisdictions and other organizations eligible under federal regulations based on criteria in the statewide homeland security strategy and federal grant guidelines.
  - Coordinate with other state and federal agencies to publish a guide for grantees that receive homeland security monies that will ensure that monies distributed by the Department:
    - Are coordinated across all levels of government
    - Avoid duplication of grant awards
    - Eliminate security gaps in every level of government

- Conduct preparedness training exercises to put state disaster plans into practice and identify shortcomings in the plans.
- Assist in the development of regional response plans, including collaborative efforts with other states.
- Partner with and involve the private sector in preparedness efforts.
- Requires the Department of Homeland Security and the Department of Health Services to submit a Homeland Security Allocation and Expenditure Report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairpersons of the House and Senate Appropriations Committees, the staff and co-chairpersons of the Joint Legislative Budget Committee and the members of the Joint Legislative Committee on Homeland Security on or before September 1 of each year.
- Instructs the Director to provide a copy of the report to the Secretary of State and the Director of the Arizona State Library, Archives and Public Record and allows the Department to redact sensitive information contained in the report.
- States that the purpose of the Arizona Department of Homeland Security is to enhance the state's ability to prevent and respond to acts of terrorism and other critical hazards in this state.
- Creates a sunset date of July 1, 2016 for the Department

*Department of Homeland Security Coordinating Council*

- Establishes the Department of Homeland Security Coordinating Council
- Specifies that the Council consists of the following members:
  - Two members of the House of Representatives who are appointed by the speaker of the House of Representatives and who are members of different political parties
  - Two members of the Senate who are appointed by the president of the senate and who are members of different political parties
  - The director of the Arizona Department of Agriculture or the director's designee.
  - The director of the Department of Health Services or the director's designee.
  - The director of the United States Customs and Border Protection or the Director's designee.
  - Eighteen members who are appointed by the Governor, who serve three year terms beginning July 1 and who are the following persons or their designees:
    - A mayor.
    - A city manager.
    - Two representatives from an institution of higher education.
    - A police chief from a city with a population of more than one million persons.
    - A sheriff from a jurisdiction in a county with a population of four hundred thousand or more persons but less than one million two hundred thousand persons.

- A sheriff from a jurisdiction in a county with a population of less than four hundred thousand persons.
- An emergency coordinator.
- A county administrator.
- A representative from one of the Arizona United States congressional offices.
- Two public members.
- A representative from an Indian tribal government.
- A public health representative.
- Two fire service representatives.
- A Representative from the Office of Fire, Building and Life Safety.
- A representative of a volunteer services corporation.
- Specifies that the Council must meet at least quarterly and must:
  - Receive the list of requests for state homeland security grant program monies developed by each Regional Advisory Council.
  - Receive from the Director the Director's request of state homeland security grant program monies requested from the federal government.
  - Receive from the Director the amount of appropriations or grants to the state by the federal government for homeland security purposes and the Director's allocation of these monies to the jurisdictions and other organizations eligible to receive these monies.
- Requires the Council to provide advice to the Director regarding issues that relate to homeland security.

*Joint Legislative Committee on Homeland Security*

- Establishes the Joint Legislative Committee on Homeland Security (Committee)
- Specifies that the Committee consists of the following members who have an interest in and familiarity with issues and programs concerning homeland security:
  - Five members of the Senate appointed by the President of the Senate, not more than three of whom are members of the same political party. The president of the senate shall designate one member as cochairperson.
  - Five members of the House of Representatives appointed by the Speaker of the House of Representatives, not more than three of whom are members of the same political party. The Speaker of the House of Representatives shall designate one member as cochairperson.
- Directs the Committee to meet whenever committee members consider it necessary without meeting more than 10 times each year unless the President of the Senate and the Speaker of the House of Representatives agree to additional meetings. The Committee must meet at least once a year to review grant allocation and expenditures as reported by the Governor's Office of Homeland Security.
- Mandates that the Committee must have access to all Homeland Security grant information on request of a chairperson of the committee or a majority vote of the Committee provide a forum for persons to express their concerns

about state programs relating to homeland security, and make administrative and legislative recommendations concerning homeland security issues.

- Stipulates that the members of the Committee be reimbursed by their respective houses in the same manner provided by law for a member of the Legislature who attends a duly called meeting of a standing committee.

*Department of Homeland Security Regional Advisory Council*

- Adds the Department of Homeland Security Regional Advisory Council (RAC) to the bill that consists of the following five councils:
  - The north region is composed of the jurisdictions contained in the Coconino, Navajo and Apache County boundaries. No more than three members of the council may be from any one county.
  - The east region is composed of the jurisdictions contained in the Graham, Greenlee, Gila and Pinal county boundaries. No more than three members of the council may be from any one county.
  - The south region is composed of the jurisdictions contained in the Pima, Santa Cruz, Cochise and Yuma county boundaries. No more than three members of the council may be from any one county.
  - The west region is composed of the jurisdictions contained in the Mohave, La Paz and Yavapai county boundaries. No more than three members of the council may be from any one county.
  - The central region is composed of the jurisdictions contained in the Maricopa county boundaries.
- Stipulates that the Governor shall appoint the members of each council. The Arizona Department of Homeland Security Coordinating Council shall recommend persons to be considered by the Governor for appointment, except that the representatives of the legislature on the coordinating council shall recommend the persons to be considered for appointment as the two at-large members
- Specifies that the Council consists of the following members:
  - A representative of a fire service from an urban or suburban area in the region.
  - A representative of a fire service from a rural area in the region.
  - A police chief.
  - A county sheriff.
  - A tribal representative.
  - An emergency manager.
  - A mayor.
  - A county supervisor.
  - Two at-large members.
  - A representative from the department of public safety.
- Requires each regional advisory council to meet on the call of the chairperson but at least quarterly.
- Stipulates that the regional advisory council shall:
  - Develop, implement and maintain regional homeland security strategies.

- Support and assist in implementation of Arizona's comprehensive statewide risk assessment.
  - Support and assist an integrated regional approach to homeland security in this state.
  - Establish baseline prevention and response capabilities through anchor cities consistent with state and regional plans.
  - Collaborate with other regional councils and organizations to ensure successful integration of homeland security programs and initiatives.
  - Develop a list of requests for state homeland security grant program monies and forward these requests to the director. Before forwarding these requests to the director, the regional advisory council shall present the requests to the Arizona department of homeland security coordinating council.
  - Recommend allocation of state homeland security grant program monies to eligible jurisdictions and other organizations based on regional, state and federal criteria.
- Specifies that members are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

Prime Sponsor:

Burns R.

Governor:

Signed June 13, 2006

## **SB1376: Capital Case Litigation; Public Defender**

Summary: Establishes the State Capital Postconviction Public Defender Office (SCPPDO) and appropriates \$220,000 for the implementation of the office.

Provisions:

- Requires the Supreme Court to appoint counsel from the State Capital Postconviction Public Defender Office to represent a capital defendant unless a conflict exists or the court makes a finding that the office cannot represent the defendant.
- Changes the county public defender training fund to the public defender training fund and makes SCPPDO eligible to receive monies from the fund.
- Changes references to the *county public defender* to the *county employed indigent defense counsel*
- Specifies that counsel appointed to represent defendants in cases where SCPPDO cannot provide representation must meet the following qualifications:
  - Have a membership in good standing with the state bar of Arizona for at least five years immediately prior to the appointment.
  - Three years of practice in the area of state criminal appeals or postconviction proceedings immediately prior to the appointment.
  - No previous representation of the capital defendant in the case either in the trial court or in the direct appeal, unless the defendant and counsel expressly request continued representation and waive all potential issues that are foreclosed by continued representation.
- Establishes the State Capital Postconviction Public Defender Office.
- Requires SCPPDO to request reimbursement for 50% of the costs incurred by providing representation, not to exceed \$30,000 per case.
- Stipulates that the Governor shall appoint the State Capital Postconviction Public Defender on the basis of merit to serve one four year term.
- Establishes the criteria for the State Capital Postconviction Public Defender.
- Establishes the State Capital Postconviction Public Defender's salary as equal to the Chief Counsel of the Capital Litigation Section in the office of the Attorney General.
- Establishes the duties of the State Capital Postconviction Public Defender as follows:
  - Shall represent any person who is not financially able to employ counsel in postconviction relief proceedings in state court after a judgment of death has been rendered.
  - Shall not handle postconviction relief cases in state court unless a conflict exists with the state capital postconviction public defender and the county public defender is appointed.
  - Supervising the operation, activities, policies and procedures of SCPPDO.
  - Shall submit an annual budget for the operation of the office to the Legislature beginning in Fiscal Year 2007-08.
  - Shall not engage in the private practice of law or provide outside counsel to any other attorney outside of the SCPPDO.



- Clarifies that the postconviction public defender cannot sponsor or fund any training outside of SPPDO.
- Prohibits the postconviction public defender from providing trial or direct appeal assistance to attorneys outside of SPPDO.
- Prohibits the postconviction public defender from any lobbying during working hours, except in relation to the submission of the annual budget
- Shall allocate resources and personnel to postconviction relief proceedings if there is no conflict of interest and all state capital postconviction public defender attorneys are appointed to postconviction relief cases that are eligible for appointment of counsel.
- Stipulates that the postconviction public defender may only accept and spend gifts and grants for improving and enhancing the ability of SPPDO to perform its responsibilities and employ not more than three deputies and not more than four other employees and establish offices as needed.
- Establishes the ten-member Nomination, Retention and Standards Commission on Indigent Defense (Commission).
- Specifies that the Commission consists of the following members:
  - Two county public defenders who are appointed by the Governor, one of whom is from a county with a population of five hundred thousand or more persons and one of whom is from a county with a population of less than five hundred thousand persons.
  - One criminal defense attorney who is appointed by the Governor.
  - One criminal defense attorney who is appointed by the President of the Senate.
  - One criminal defense attorney who is appointed by the Speaker of the House of Representatives.
  - One justice of the Supreme Court who is appointed by the Chief Justice of the Supreme Court.
  - One superior court judge who is appointed by the Chief Justice of the Supreme Court.
  - Two private citizens who are appointed by the governor, neither of whom is a judge, law enforcement officer, prosecutor or court appointed employee.
- Stipulates that Commission members serve three-year terms.
- Stipulates that each Commission member must retain the occupational status under which the member was appointed during each member's term.
- Specifies that the members of the commission shall elect the chairperson, who may not serve consecutive terms.
- Stipulates that upon a vacancy, the Commission must submit at least three names of nominees to the Governor for the office of State Capital Postconviction Public Defender, two-thirds of which may not come from the same political party.
- Terminates the State Capital Postconviction Public Defender Office on June 30, 2012.
- Appoints the state capital postconviction public defender for a term beginning February 1, 2007 and ending on January 31, 2011.
- Establishes initial terms of Commission members.

- Provides an effective date of December 31, 2006.
- Appropriates \$220,000 from the state general fund in FY 2006-07 to SPPDO.
- Exempts the appropriation from lapsing.
- States that the purpose of the State Capital Postconviction Public Defender Office is to represent a person who is not financially able to employ counsel in postconviction relief proceedings in state court after a judgment of death has been rendered.
- Makes technical and conforming changes.

Prime Sponsors: Huppenthal  
Co-Sponsors: Allen C, Burns R  
Governor: Signed June 21, 2006

## **SB1512: E-Learning Digital Institute; Data Warehouse**

Summary: SB 1512 establishes an E-Learning Task Force (Task Force) under the Arizona Department of Education (ADE) charged with examining other e-learning programs, analyzing methods for implementation and developing e-learning solutions. Additionally, the three-year E-Learning Pilot Program is established, along with the E-Learning Fund, to help up to ten schools to achieve academic and motivational gains based on the state and national average. Finally, SB 1512 appropriates \$3,000,000 in FY 2006-07 to the ADE for the Pilot Program.

### Provisions:

- Establishes the 11-member Task Force under the ADE, which must provide staff support.
- Specifies that the Task Force consists of the following members:
  - Two representatives of the business community with expertise in technology issues, one of whom shall be appointed by the Governor and one of whom shall be appointed by the Speaker of the House of Representatives.
  - Two persons who shall have a background in psychometrics, one of whom shall be appointed by the President of the Senate and one of whom shall be appointed by the Speaker of the House of Representatives.
  - Two persons who have expertise in curriculum development, one of whom shall be appointed by the Governor and one of whom shall be appointed by the President of the Senate.
  - One teacher who provides instruction in grades six, seven, eight or nine in a public, private or charter school and who is appointed by the Speaker of the House of Representatives.
  - One person who represents a public, private or charter school that provides instruction in grades six, seven, eight or nine and who is appointed by the Governor.
  - One person who represents an entity that has at least ten years of experience in teacher training and professional development coursework and that has provided such training and coursework to at least five thousand teachers and who is appointed by the President of the Senate.
  - The Superintendent of Public Instruction or designee.
  - The Director of the Government Information Technology Agency or designee.
- Requires that all members must be appointed on or before August 31, 2006
- Specifies that all initial members, excluding the Superintendent of Public Instruction and the Director of the Government Information Technology Agency, shall assign themselves by lot to terms of one, two, and three years in office. All subsequent members serve three-year terms.
- Requires the Task Force to examine e-learning programs from other states, analyze potential implementation methods, develop innovative e-learning solutions and annually report to the Legislature regarding e-learning programs and solutions.
- Exempts Task Force members from eligibility for compensation but they are eligible for expense reimbursement.
- Terminates the Task Force on July 1, 2016.

- Establishes the three-year E-Learning Pilot Program (Pilot Program) within the Arizona ADE to help up to ten schools to achieve academic and motivational gains based on the state and national average.
- Requires the Task Force, by December 15, 2006 and in cooperation with the ADE, to prepare an actionable request for proposals (RFP) to implement the Pilot Program. Additionally, the Task Force must submit the preliminary RFP to the Joint Legislative Budget Committee (JLBC) for review and comment. The RFP must require all responses to meet the Government Information Technology Agency standards, and must include specified criteria.
- Requires the Task Force to finalize the RFP based on the JLBC comments, and the ADE must issue the RFP within 30 days of the JLBC hearing. Within 180 days of issuance, the ADE must award the contract or contracts. At least 10 days prior to entering into the contract or contracts, the Superintendent of Public Instruction must submit the provisions for review to the JLBC in executive session.
- Requires the overall e-learning system to be implemented through a three-year Pilot Program that delivers specified criteria.
- Requires the ADE, in cooperation with the Task Force, to establish application procedures and additional selection criteria for schools to participate in the Pilot Program after the ADE has awarded a contract. Participating schools must provide instruction in any two grades from grades 6-9 in up to 10 schools total. Additionally, participating schools must be able to demonstrate that the teachers are committed to the Pilot Program. Teachers must complete the initial training and professional development component of the Pilot Program by the end of the 2007 fall semester.
- Requires the ADE, in cooperation with the Task Force, to submit a report by November 15, 2010 to the Governor and the Legislature that summarizes the results of the Pilot Program. Academic effectiveness of pupils must be measured according to existing assessment mechanisms in current statute.
- Prohibits schools and pupils that participate in the Technology Assisted Project-Based Instruction Program from participation in the Pilot Program.
- Establishes the Fund within the ADE, subject to direction of the Task Force and consisting of monies appropriated by the Legislature and monies received from any other public and private sources.
- Appropriates \$3,000,000 from the state General Fund to the ADE in FY 2006-07 for the Pilot Program. The ADE may distribute appropriated monies in FYs 2006-07 through 2009-2010. The appropriation is exempt from lapsing. Additionally, the ADE may retain up to 5% for administrative costs of the ADE in connection with the Pilot Program.
- Repeals the Pilot Program and Fund from and after August 31, 2011.

Prime Sponsors:

Bennett, Bee, Hale, Gallardo, Landrum Taylor and Nelson

Co-Sponsors:

Gray L., Harper, Martin, Mitchell, Verschoor, Anderson, Barnes, Boone, Brown, Burton Cahill, Jones, Lopez, Lujan, McCune Davis, Pearce, Prezelski, Reagan, Rios P. and Sinema

Governor:

Signed June 21, 2006

## **HB2064: English Language Learners**

**Summary:** An emergency measure that appropriates \$2.6 million in FY 2005-2006 and \$31.4 million in FY 2006-2007 from the state General Fund for English Language Learner (ELL) programs; creates the nine-member Arizona English Language Learners Task Force to develop and adopt research based models of Structured English Immersion (SEI); requires school districts and charter schools to submit budget requests for the newly created Arizona Structured English Immersion Fund and the Statewide Compensatory Instruction Fund (SCIF).

### **Provisions:**

#### *Assessment and Classification*

- Replaces current statute relating to ELL programs.
- Requires the primary or home language for all new pupils who enroll in a school district or charter school to be identified in a manner prescribed by the Superintendent of Public Instruction (SPI).
- Requires the English proficiency of all pupils with a primary or home language other than English be assessed through English language proficiency exams through a process prescribed by the SPI. States that test scores adopted to indicate English language proficiency be based on publishers' designated scores. Prescribes that ADE must annually request an appropriation to pay for the purchase of all language proficiency exams, scoring and ancillary materials for school districts and charter schools.
- Declares that a pupil must be classified as ELL and be enrolled in English immersion, bilingual education or any other generally recognized education methodology permitted by law if it is determined that the pupil is not English language proficient.

#### *Arizona English Language Learners Task Force*

- Creates a nine-member Arizona English Language Learners Task Force (Task Force), consisting of two members appointed by the Governor, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives and three members appointed by the SPI, each serving four-year terms. ADE must provide adequate staff support for the Task Force.
- Mandates that the Task Force must do the following related to SEI models:
  - Develop and adopt research-based SEI models for school districts and charter schools by September 1, 2006, limited to programs that are not normally intended to exceed one year of pupil participation. The models shall take into consideration specified school factors, and must be the most cost-efficient models of SEI that meet all federal and state laws. Additionally, the models shall include a minimum amount of English language development and distinguish first year pupil programs, for which a minimum of four hours must be designated for English language development.
  - Submit the research based SEI models to the Legislature, Governor and the State Board of Education (SBE).

- Submit models to the Joint Legislative Budget Committee (JLBC) for review 30 days prior to adoption.
- Review research-based SEI models once every five years.
- Establish procedures for school districts and charter schools to determine incremental costs for implementation of research based SEI models.
- Limits Task Force adopted SEI models to a regular school year and school day. Stipulates that any instruction can be provided outside of the regular school year or school day and qualifies for funding from the SCIF.
- Directs the Task Force to create a budget form to be used by school districts and charter schools to request funding from the Arizona Structured English Immersion Fund for the incremental costs of the SEI model selected. Requires the maximum amount of the budget request to be the incremental costs of the model offset by the Group B ELL weight amount of approximately \$432, all federal Title III monies and other federal monies designated solely for ELL, the portion of Title I and Title II monies determined by the English language population as a percentage of the qualified population and a portion of desegregation and impact aid monies as determined by the English language learner population as a percentage of the qualified population.
- Prohibits a school district or charter school to apply unexpended impact aid monies to ELL programs until other allowable uses in law have been fulfilled.
- Prohibits school districts and charter schools, beginning July 15, 2008, from including the incremental costs of any pupil classified as ELL after July 1, 2007, who has been classified as ELL for more than two years.
- Prescribes that in consultation with the Auditor General, ADE shall develop and adopt the forms needed by school districts and charter schools to submit budget requests for the Arizona Structured English Immersion Fund.

#### *SEI Budget Request*

- Requires each school district governing board and governing body of a charter school select one or more of the Task Force approved SEI models for school by school implementation.
- Allows for school districts and charter schools to propose an alternate model contingent on the full or limited approval or rejection by the Task Force. Specifies that if the Task Force rejects the proposal, another model must be approved by the Task Force and adopted by the school district.
- Stipulates for a school district or charter school that qualifies for supplemental monies from the Arizona Structured English Immersion Fund, a signed budget request by the superintendent and chief financial officer of the school district or the principal and chief financial officer of the charter school must be submitted on a school by school basis certifying the accuracy of the information contained and that the monies from the fund would not supplant federal, state or local monies used for ELL, including desegregation monies that were budgeted as of February 23, 2006.
- Specifies that beginning July 1, 2007, the SEI budget requests must be submitted to ADE on or before September 15 for verification of accuracy and compliance for submittal by ADE to the Legislature at the same time as ADE's budget request.

#### *Arizona Structured English Immersion Fund*

- Establishes the Arizona Structured English Immersion Fund administered by ADE. ADE must annually request an appropriation to fulfill the purposes of the fund. ADE must distribute monies in the fund to school districts and charter schools in an amount in the SEI budget request, for a period not to exceed two fiscal years for the same pupil.
- Requires the SPI to attempt to obtain the maximum amount of federal funding available for ELL programs.
- Requires school districts and charter schools to create a local Structured English Immersion Fund for receipt of monies from the Arizona Structured English Immersion Fund that can only be spent to provide instruction to ELL.
- Directs the Auditor General, in consultation with ADE, to modify existing budget, financial and accounting reporting forms to comply with the creation of the Arizona Structured English Immersion Fund and submit these updated documents to the Task Force and JLBC for review.
- States that any monies received through the Arizona Structured English Immersion Fund should be used to supplement existing programs and cannot supplant any federal, state or local monies, including desegregation monies that were budgeted as of February 23, 2006, for use by ELL or be used to supplant existing monies that pay for normal costs of conducting programs for English proficient students.

#### *Reassessing ELLs*

- Requires ELLs to be reassessed for the purpose of determining English language proficiency at least annually at the end of each school year through a process prescribed by the SPI.
- States that a pupil who scores at or above the test publisher's designated score for English proficiency must be reclassified as English proficient. After reclassification, the pupil must be transferred to English language mainstream classrooms.

#### *Former ELL monitoring*

- Requires the English language proficiency of each pupil previously classified as an ELL within the last two years to be tested annually at the end of the school year in the same manner as initial assessment with the method of reevaluation prescribed by the SPI. If it is determined that the pupil is not English language proficient in the two years following the pupil's exit from SEI, the pupil must be classified as an ELL and be enrolled in SEI, subject to parental consent, and may be provided compensatory instruction.

#### *ADE Duties*

- Codifies the duties of the ADE Office of English Language Acquisition Services to:
  - Develop guidelines for the monitoring of school districts and charter schools for the purpose of ensuring compliance with all federal and state laws regarding ELLs.
  - In consultation with county school superintendents, develop regional programs to enhance all aspects of professional development training for teachers and administrators.

- Publish ELL policy guidelines that include a list of relevant rules, regulations and statutes relating to ELL programs to notify school districts and charter schools of their responsibilities.
- Provide technical assistance to school district and charter schools for SEI programs.
- Requires the ADE Office of English Language Acquisition Services to choose and monitor annually:
  - Twelve school districts or charter schools chosen from the 50 school districts or charter schools with the highest number of ELL pupils resulting in monitoring each of the 50 school districts and charter schools every four years.
  - Ten school districts or charter schools that are not in the 50 school districts or charter schools with the highest number of ELL pupils.
  - Ten school districts or charter schools that are not required to offer instruction for ELL pupils for the majority of their grade levels.
  - A random sample of 300 ELL pupils to determine how many can read a randomly ordered alphabet in 30 seconds or less or a randomly sorted list of 30 single-syllable words in one minute or less.
- Directs ADE to conduct on-site monitoring to include classroom observations, curriculum and program reviews, faculty interviews and student records and prepare a report within 45 days. The review should include programmatic effectiveness with a minimum of prior year ELL progress data.
- Details the process in which school districts and charter schools and ADE must act if deficiencies are found:
  - Within 60 days of report issuance, the school district or charter school must submit a corrective action plan.
  - Within 30 days of receiving the correction action plan, ADE must review the plan, make changes and return the revised corrective action plan to the school district or charter school.
  - Within 30 days of receiving the revised plan, the school district or charter school must implement the plan.
  - Within one year after the plan is returned to the school district or charter school, ADE must conduct a follow-up evaluation. If any deficiencies are found, the school district or charter school will be referred to SBE for a finding of noncompliance.
  - If a school is found noncompliant by SBE, Arizona Structured English Immersion Fund monies will be withheld; however, school districts and charter schools will not be able to reduce the amount of monies spent on ELL prior to the noncompliance finding.
  - ADE will monitor noncompliant school districts and charter schools to ensure that no reduction of monies spent on ELL prior to the noncompliance finding occurred.
- Requires the ADE Office of English Acquisition Services to:



- Collect each school district and charter school's annually submitted report to ADE that includes the following information identified by grade level and by school:
- The total number of pupils classified as ELLs as verified by the Student Accountability Information System (SAIS).
- The number of pupils who are classified as ELLs for the first time as verified by the SAIS system.
- The number of ELLs who achieved English proficiency in the past academic year and who have been reclassified as English proficient as verified by the SAIS system.
- The number of pupils who are enrolled in each type of language acquisition program offered by the school district or charter school.
- If requested by ADE, the test data used to determine English proficiency.
- Determine the mobility of ELL within the same school district and the mobility of ELL to other school districts and charter schools.
- Submit an annual report to JLBC, the Secretary of State and the Director of the State Library, Archives and Public Records that includes an itemized list of all federal monies received by ADE for ELL, the purposes for which these federal monies are designated and a list of how much was distributed to school districts on a district by district basis.
- Submit an annual report to the Governor, the Legislature, SBE, the Secretary of State and the Director of the State Library, Archives and Public Records that includes a detailed analysis of whether and to what extent pupils are benefiting academically from compensatory instruction and a comparison of the academic achievement of pupils before and after receiving compensatory instruction.

#### *Auditor General Duties*

- Requires the Auditor General to:
  - Modify the school district annual financial report in order to carry out these provisions.
  - Biennially audit the overall effectiveness of the ELL program based on performance based outcome measurements and increased English proficiency.
  - Review the mobility of English proficient students and ELL.
  - Conduct new financial audits of the schools monitored by ADE to include review of the monies received from the SEI Fund and the SCIF.
  - Include in performance audits currently performed whether school districts that received monies from the Arizona Structured English Immersion Fund or SCIF are in compliance with ELL state statutes.

#### *Teacher Training*

- Requires SBE to determine the qualifications necessary for a provisional and full SEI endorsement.
- Allows teacher training not provided by a college or university to substitute for any course required for an SEI or bilingual education endorsement if:
  - SBE has reviewed the curriculum, textbooks, grading procedures and attendance policies and determined that the training is comparable in amount,

scope and quality to a course offered by a college or university for an SEI or bilingual education endorsement.

- The training meets the professional teaching standards adopted by SBE.
- SBE has reviewed the qualifications of the instructor and determined that the instructor has sufficient experience to effectively conduct the training.
- Directs SBE to require all approved teacher-training programs that provide a degree in education to provide courses necessary to obtain a full SEI endorsement.

#### *Statewide Compensatory Instruction Fund*

- Establishes the SCIF administered by ADE. ADE must distribute monies in the SCIF to school districts and charter schools in an amount determined by ADE for compensatory instruction costs. The state is not required to make payments to a school district or charter school for insufficient monies in the SCIF. ADE must prorate if there are insufficient monies.
- Stipulates that school districts and charter schools may receive SCIF monies for more than two fiscal years for the same pupil.
- Requires that a school district demonstrate that it has established a satisfactory compensation instruction program in order to be eligible for monies in SCIF.
- Requires school districts and charter schools to annually submit SCIF budget requests on or before July 15 signed by the superintendent and chief financial officer of a school district or the principal and chief financial officer of a charter school.
- States that any monies received through SCIF should supplement existing programs and cannot supplant any federal, state or local monies including desegregation monies used for compensatory instruction, that were budgeted as of February 23, 2006.
- Requires school districts and charter schools to create a local Structured English Immersion Fund for receipt of monies from SCIF that can only be spent to provide instruction to ELL. Directs the Auditor General, in consultation with ADE, to modify existing budget, financial and accounting reporting forms to comply with the creation of SCIF and submit these updated documents to the Task Force and JLBC for review.
- Defines “compensatory instruction” as programs, in addition to normal classroom instruction, that include individual and group tutoring, extended day classes, summer school or intersession school and that are limited to improving the English proficiency of current and former ELL pupils who have been reclassified as English proficient within the previous two years.

#### *Appropriations*

- Appropriates \$14,300,000 from the state General Fund in FY 2006-2007 to ADE for the Group B ELL weight increase, resulting in total Group B ELL funding of approximately \$432 per pupil.
- Appropriates \$10,000,000 from the state General Fund in FY 2006-2007 to ADE to distribute to school districts and charter schools from the SCIF. This appropriation is exempt from lapsing.
- Appropriates \$2,555,000 from the state General Fund in FY 2005-2006 for the statutory purposes established for the ADE Office of English Language

Acquisition Services and for the costs of providing English language proficiency tests to school districts and charter schools. ADE may hire staff or contract with a third party for these purposes. Adds that a portion of these monies may be expended for legal defense of the *Flores v. State of Arizona* lawsuit. This appropriation is exempt from lapsing.

- Appropriates \$4,610,000 from the state General Fund in FY 2006-2007 to ADE for the statutory purposes established for the ADE Office of English Language Acquisition Services and the costs of providing English language proficiency tests to school districts and charter schools for these purposes. ADE may also hire staff or contract with a third party for these purposes. Adds that a portion of these monies may be expended for legal defense of the *Flores v. State of Arizona* lawsuit. This appropriation is exempt from lapsing.
- Appropriates \$2,500,000 from the state General Fund in FY 2006-2007 to the Auditor General for specified auditing purposes. This appropriation is exempt from lapsing.

#### *Miscellaneous*

- Requires that test results used to determine English proficiency, reassessment and reevaluation of ELL be used in determining a school's achievement profile for the purposes of school accountability.
- Declares that the new sections relating to English language education do not relieve school districts and charter schools from ensuring that they are in compliance with the requirements of federal and state law.
- Contains a legislative intent section.
- Increases the Group B ELL weight from .115 to .140 in FY 2006-2007, but limits the distribution of the Group B ELL weight by ADE to no more than two fiscal years per pupil.
- Sets the FY 2006-2007 deadline for the SCIF budget request on or before December 1, 2006, and the SEI budget request deadline for FY 2006-2007 on or before July 15, 2006.
- Sets a conditional enactment for the Group B ELL weight amount of approximately \$432 per pupil in FY 2006-2007 contingent upon Court judgment that the state has taken appropriate action to address the *Flores v. State* case and permits the program to become fully implemented to ascertain whether the available funding and resulting ELL plans bear a relationship to the cost of implementing appropriate language acquisition programs.
- Makes technical and conforming changes.
- Becomes effective on signature of the Governor, if the emergency clause is enacted.

#### Prime Sponsors:

Gray C., Burges, Pearce and Smith

#### Co-Sponsors:

Gorman, Murphy and Johnson

#### Governor:

Without Signature March 3, 2006

## **HB2343: Developmental Disabilities Oversight Committee**

Summary: Creates the Developmental Disabilities Oversight Committee (Committee) and outlines its membership and duties.

Provisions:

- Establishes the 12 member Committee consisting of the following members:
  - Three members of the House of Representatives who are appointed by the Speaker of the House of Representatives, not more than two of whom are members of the same political party. The speaker of the House of Representatives shall designate one of these members as cochairperson of the committee.
  - Three members of the Senate who are appointed by the President of the Senate, not more than two of whom are members of the same political party. The President of the Senate shall designate one of these members as cochairperson of the committee.
  - The director of the division.
  - A member who represents the Governor's office.
  - One person who represents an organization that provides in-home services to persons with developmental disabilities and who is appointed by the Speaker of the House of Representatives.
  - One person who represents an organization that provides employment and residential services to persons with developmental disabilities and who is appointed by the President of the Senate.
  - One member who is the parent or legal guardian of a minor child with a developmental disability and who is appointed by the speaker of the House of Representatives.
  - One member who is the parent or legal guardian of an adult with a developmental disability and who is appointed by the President of the Senate.
  - One member who is an adult with a developmental disability and who is appointed by the speaker of the House of Representatives.
  - One member who is an adult with a developmental disability and who is appointed by the President of the Senate.
  - One member who represents a statewide advocacy organization servicing persons with cognitive and other developmental disabilities and their families and who is appointed by the speaker of the house of representatives.
  - One member who represents the Governor's Council on Developmental Disabilities and who is appointed by the President of the Senate.
- Committee members serve at the pleasure of the person responsible for making the appointment.
- Charges the Committee with the following duties:
  - Monitor and evaluate the effectiveness of the qualified vendor system of delivering services to the developmentally disabled.
  - Take testimony and study the feasibility of modifications to the state's system of delivering services to the developmentally disabled.

- Study available employment opportunities for the developmentally disabled and make recommendations for improvement.
- Submit an annual report of its findings and recommendations to the Governor, the President of the Senate and the Speaker of the House of Representatives and provide a copy of this report to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.
- Stipulates that Committee members are not eligible for compensation but public members are able to receive reimbursement of expenses.
- Repeals the committee on January 1, 2011.
- Includes a purpose statement that stipulates that the Legislature establishes the Committee to provide for a comprehensive review of services to the developmentally disabled in this state.
- Makes other technical and conforming changes.

Prime Sponsors: McComish, Knaperek  
Co-Sponsors: Allen J., Jones, Konopnicki and Paton  
Governor: Signed April 24, 2006

## **HB2788: Commission; Civic Education and Engagement**

Summary: Establishes the 9-member State Commission on Civic Education and Civic Engagement (Commission) and specifies its membership and duties.

Provisions:

- Creates the 9-member Commission and specifies membership:
  - The Governor appoints three members who are not currently serving in an elected office in municipal, county, state or federal government.
  - The Speaker of the House of Representatives, the President of the Senate, the Chief Justice of the Arizona Supreme Court, the Secretary of State, the Attorney General, and the Superintendent of Public Instruction each appoint one member who is not currently serving in an elected office in municipal, county, state, or federal government
- Stipulates that members shall serve two year terms, may be appointed to consecutive terms without limitation and are not eligible to receive compensation or reimbursement for expenses.
- Requires the Commission to:
  - Promote the informed, responsible participation in political activities by American citizens who are committed to the fundamental values and principles of the American system.
  - Promote civic education and engagement in civic activities for persons of all ages.
- Allows the Commission to:
  - Make recommendations to all levels of government for the promotion and enhancement of civic education and civic engagement.
  - Establish subcommittees, task forces and work groups.
  - Collaborate and work with various groups that are dedicated to or interested in civic education and civic engagement including any Legislative committee established to examine civic education and engagement.
  - Accept, deposit in a state account, spend and account for funds consistent with the purpose and objectives of the Commission.
  - Employ up to two persons in full-time equivalent positions that are funded through donations, gifts, bequests and devises received by the Commission.
  - Contains a purpose section.
- Terminates the Commission on July 1, 2016.

Prime Sponsors:

Burns J., Anderson, Garcia M., Lujan and Bee

Co-Sponsors:

Biggs, Aguirre L., Gray L., Hellon and Mitchell

Governor:

Signed June 28, 2006